

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAVIER APONTE, )  
Plaintiff, )  
v. )  
BRIAN COLEMAN, and )  
PA ATTORNEY GENERAL, )  
Defendants. )  
 ) 2:11cv817  
 ) Electronic Filing  
 ) Judge David Stewart Cercone  
 ) Magistrate Judge Maureen P. Kelly

**MEMORANDUM ORDER**

AND NOW, this 16 day of September, 2011, after the Petitioner, Javier Aponte, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until September 8, 2011 , to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus ("the Petition") filed pursuant to 28 U.S.C. § 2254 is transferred to the United States District Court for the Eastern District of Pennsylvania because that is the District wherein the state court conviction of Javier Aponte ("Petitioner") was obtained, and, as such, it is the proper venue for litigation of the underlying allegations of the Petition.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

*DS Cercone*

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David Stewart Cercone  
United States District Judge

cc: Javier Aponte  
GL 1178  
SCI Fayette  
P. O. Box 9999  
LaBelle, PA 15450

*(Via First Class Mail)*